

**Presentment Date: May 10, 2022 at 11:00 a.m. (prevailing Eastern Time)**

**Objection Deadline: May 3, 2022 at 5:00 p.m. (prevailing Eastern Time)**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

EXTENDED STAY, INC., *et al.*,

Reorganized Debtors.

Chapter 11

Case No. 09-13764 (JLG)

**NOTICE OF PRESENTMENT OF ORDER MODIFYING “STIPULATION  
AND ORDER REGARDING EXAMINER’S TURNOVER OF  
CERTAIN WORK PAPERS OF ALVAREZ AND MARSAL DISPUTE  
ANALYSIS & FORENSIC SERVICES LLC TO THE LITIGATION TRUST”**

PLEASE TAKE NOTICE that the Lightstone Parties<sup>1</sup> in the adversary proceeding captioned *Finbarr O’Connor, etc. v. DL-DW Holdings, LLC et al.*, 11-ap-02254-JLG (the “Adversary Proceeding”), will present the attached proposed order (the “Proposed Order”), annexed as Exhibit A hereto, to the Honorable James L. Garrity, Jr., United States Bankruptcy Judge, for signature on **May 10, 2022 at 11:00 a.m. (prevailing Eastern Time)**. The Proposed Order modifies the *Stipulation and Order Regarding Examiner’s Turnover of Certain Work Papers of Alvarez and Marsal Dispute Analysis & Forensic Services LLC to the Litigation Trust*, which the Court entered in the above-captioned chapter 11 cases on June 28, 2011 [Docket No. 1450] (the “Original Examiner Turnover Order”).

PLEASE TAKE FURTHER NOTICE that Plaintiffs in the Adversary Proceeding, Finbarr O’Connor, as successor trustee for and on behalf of the Extended Stay Litigation Trust (the “Litigation Trust”), and the Litigation Trust, consent to entry of the Proposed Order. The Litigation Trust is a party to the Original Examiner Turnover Order.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Proposed Order must be made in writing and received in the Bankruptcy Judge’s chambers and by the undersigned not

<sup>1</sup> The Lightstone Parties are: DL-DW Holdings, LLC, Lightstone Holdings, LLC, the Lightstone Group, LLC, Lightstone Commercial Management, BHAC Capital IV, LLC, Park Avenue Funding LLC, David Lichtenstein, Bruno de Vinck, Peyton “Chip” Owen, and Joseph Teichman.

later than **5:00 p.m. on May 3, 2022**. The ECF docket number to which the filing relates shall be included in the upper right hand corner of the caption of all objections. Unless objections are received by that time, the Proposed Order may be signed.

Dated: April 19, 2022  
New York, New York

KASOWITZ BENSON TORRES LLP

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